



## WEBB INSTITUTE

### FERPA Policy

#### **Federal Education Right-To-Privacy Act (FERPA)**

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#### 1. Policy Statement

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA: 34 CFR 99) sets forth requirements regarding the privacy of student records. The act is designed to protect the confidentiality of education records maintained by educational institutions and to give students access to their records to assure the accuracy of the contents.

The purpose of Webb Institute's FERPA Policy is to document the college's interpretation of and responsibilities under the act and to describe the circumstances under which Webb Institute may disclose student education records. The policy is not intended to detail all aspects of the act but instead to provide guidance to school officials on how the act is administered at Webb Institute. Maintenance and oversight of this policy is the responsibility of the Registrar's office.

#### 2. Definitions

Webb Institute adheres to the following definition of terms.

**Student**: Any person who is in attendance or has been in attendance at Webb Institute. FERPA applies only to individuals defined as students.

**Webb Institute Class**: A class, offered through Webb Institute or any agency with which Webb Institute has had a cooperative agreement, which is recorded on a Webb Institute transcript.

Education Record: Any record directly related to a student and maintained by the college or by a party acting for Webb Institute. Education records may be in any medium including, but not limited to: handwriting, print, computer media (including electronic databases, learning management systems, and email), videotape, audiotape, film, microfilm, and microfiche.

The following are not defined as education records:

- *Sole possession records*: Records or private notes that are kept in the sole possession of the maker, are used only as a personal memory aid and are not accessible or revealed to any other person except a temporary substitute for the maker. Any record that is made in conjunction with a student or other school official is NOT a sole possession record.
- *Treatment records*: Medical and counseling records used solely for treatment.
- *Alumni records*: Records that contain only information obtained after the individual is no longer a student.

School Official: An employee or agent of the college who acts in the student's educational interest. The following are defined as school officials:

- Any person employed by Webb Institute in an administrative, supervisory, academic, research, or support position.
- School officials of any institution with an active co-enrollment agreement with Webb Institute.
- Any person elected to the Webb Institute Board of Trustees.
- Students and alumni who are officers of a recognized student organization.
- Students, alumni, or volunteers serving on an official college committee.
- Students, alumni, or volunteers performing tasks in support of the work of the college under direct control of a college employee.
- Any person employed or contracted by Webb Institute on a temporary basis to perform a specific task under direct control of the college (*e.g.*, attorneys, auditors).
- Any person or entity employed or contracted by the college to perform professional or support services that would otherwise be performed by college employees (*e.g.*, recruiting, clerical tasks, technical support) and who is under direct control of the college.

Legitimate Educational Interest: A school official has a legitimate educational interest in accessing or reviewing a student's educational records, if the school official is:

- Performing a task that is specified in his or her position description or contract;
- Performing a task related to a student's education or to student discipline;
- Providing a service or benefit related to the student or student's family (*e.g.*, job placement, health insurance); or

- Maintaining safety and security on campus.

Directory Information: Under FERPA, Webb Institute may disclose designated “directory information” without written consent at the discretion of the registrar. Directory information can be included in Webb Institute publications or reported to outside agencies as per college policy. Webb Institute has designated the following information as directory information:

- Name
- Address
- Email address
- Digitized image/photograph/video
- Program of study
- Dates of attendance
- Participation in officially-recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors, scholarships, and awards received
- Previous educational institution attended

### 3. Annual Notification

Students will be notified annually of their FERPA rights by email and through publication of a notification statement in the online catalog. A printed copy of the notification is available from the Registrar’s office.

### 4. Inspection of Education Records

Procedure to Inspect Records: A student may request inspection of his or her education record by submitting a written, dated request to the Registrar’s office. The request must specify as closely as possible the desired records.

The office will make the education record available to the student within forty-five (45) days of receipt of the request, as follows:

- The office will contact the student to make an appointment to view the records in person.
- The office will review the records in advance of the appointment and remove any records for which Webb Institute retains the right to refuse access, as defined below.
- A student must show appropriate photo ID before viewing the records.
- A designated staff member will supervise the review of the contents of the records to ensure no records are removed at the time of inspection.

Any student who lives more than 50 miles from Webb Institute or for whom the need to travel to Webb Institute represents a hardship that would effectively prevent the student from inspecting and reviewing the record, may request that copies of the record be mailed. There will be a nominal charge for the copies of the records. The student must submit in writing that he or she is unable to view the record in person and should list the address to which the records should be sent. The request must specify as closely as possible the desired records and must be signed and dated. The request will be reviewed by the office of the Registrar, who make the determination on the release of the records on a case-by-case basis.

Note that once students have requested access to their education records, those records cannot be destroyed until inspection and review have been provided.

### Right of Webb Institute to Refuse Access

The college reserves the right to refuse access to the following records:

- Financial statements submitted by a parent or guardian;
- Letters and statements of recommendation for which the student has waived his or her right of access or which were placed in the file before January 1, 1975;
- Records connected with an application to attend Webb Institute if that application was denied.
- Records that are excluded from the FERPA definition of education records.

When a record contains information about more than one student, the student may inspect and review only that portion of the record which relates to him or her.

Although Webb Institute will not deny a student access to his or her education records:

- Webb Institute reserves the right to deny a request for an official transcript if the student has unpaid financial obligations to Webb Institute or there is an unresolved disciplinary or academic action against the student.
- Webb Institute will not release back to the student original transcripts from other academic institutions, original test score reports, or immunization records.
- Webb Institute normally will not provide copies of any contents of the student record. Students are free to make notes concerning the contents of the record while they review it.

## 5. Disclosure of Education Records

Disclosure With Student Consent: A student may consent in writing to disclosure of personally identifiable information from his or her education record to a third party. The student's written consent must be signed and dated and include a statement indicating which records are to be disclosed, to whom, and where the records should be sent.

Power of Attorney: Educational records may be disclosed to a third party who has a properly executed power of attorney for a student. The power of attorney must

specifically authorize access to academic records or be a general power of attorney that covers any and all documents. If all legal requirements are met, the individual listed on the power of attorney will be treated in the same manner as would the student.

Disclosure Without Student Consent: Webb Institute may disclose personally identifiable information from an academic record without the student's prior written consent only under the exceptions permitted by the act. These exceptions include, but are not limited to, disclosure of education records to the following:

- School officials with a legitimate educational interest in the specific records.
- Persons or organizations providing financial aid to students provided the information is necessary to determine eligibility or amount of aid or to enforce the terms and conditions of the aid.
- Accrediting organizations to carry out their functions.
- Organizations conducting certain studies for or on behalf of Webb Institute.
- Appropriate parties in a health or safety emergency, as defined by the act.
- The Department of Defense for military recruiting purposes, as per the Solomon Amendment (under 32 CFR 216).
- Persons in compliance with a judicial order or a lawfully issued subpoena, provided that Webb Institute makes a reasonable attempt to notify the student in advance of disclosure.
- A court or administrative agency in the event of legal action between Webb Institute and a student, provided that Webb Institute makes a reasonable attempt to notify the student in advance of disclosure.

Records of Deceased Students: Education records are no longer protected under FERPA after a student's death; consequently, the disposition of records pertaining to a deceased individual is not a FERPA issue but a matter of institutional policy. Webb Institute maintains full discretion in deciding whether, and under what conditions, education records of deceased students should be disclosed.

In general:

- Webb Institute will not release education records for one year after the date of death except with the written authorization of the executor/executrix of the deceased student's estate or next of kin, if an executor/executrix has not been appointed.
- Unless it has information to the contrary, Webb Institute will presume that the student is deceased 80 years after the date the records were first created. Thereafter, the student's education records may be released without restriction at the discretion of Webb Institute.

To request the education records of a deceased student, an individual must submit a written request to the Registrar's Office specifying the requester's name, relationship to the deceased, and reason for the request. Additionally, the request must provide a death certificate or obituary notice as proof of death. The request will be reviewed by the Registrar, who make the determination on a case-by-case basis.

## 6. Disclosure of Directory Information

Under FERPA, directory information may appear in public documents and may be disclosed to any person or entity without student consent. It is the policy of Webb Institute to release the following directory information upon request:

- Name
- Address
- Email address
- Digitized image/photograph/video
- Program of study
- Dates of attendance
- Participation in officially-recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors, scholarships, and awards received
- Previous educational institution attended

However the following caveats should be noted:

- Webb Institute reserves the right to refuse to release directory information to any person or entity at any time.
- School officials are never required to release directory information. Any school official who has concerns about a request should decline to provide the information and consult with the Registrar's office.
- Webb Institute does not release lists of directory information to any person or agency making unsolicited requests.

Webb Institute releases city, state, and country of residence only for the purpose of public notification related to the freshmen class orientation, Dean's List honors, and commencement.

Directory information may not be released without the student's written consent if the student has submitted in writing to the Registrar's Office a request for non-disclosure of directory information, as outlined in the annual notification statement.

- Request for non-disclosure applies to all directory information and cannot be applied selectively to certain items of directory information.
- Request for non-disclosure does not include the right to be anonymous in the classroom or other class environment or to impede routine classroom communications (including field trip notifications) and interactions.
- Directory information of students who have requested non-disclosure may be released under any of the exceptions permitted by the act, as outlined under "Disclosure Without Student Consent."

The Registrar's office is responsible for administering requests for non-disclosure and for overseeing disclosure of directory information. All school officials are advised to consult with the Registrar's office before releasing directory information.

## 7. Amendment of Education Records

Requesting Amendment of Education Records: Student have the right to request the amendment of their education records if they believe the content to be inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA. The right to seek amendment of an education record does not include changes to a grade unless the grade assigned was inaccurately recorded. The request for amendment must be made in writing to the Registrar's office and must be signed and dated by the student. The request must include sufficient information to identify the challenged record and a statement of the reason for the request.

Within 45 days of receipt of the written request in the Registrar's office, the Registrar's office will decide whether to amend the record as requested. If the request is found to be warranted, the amendment will be made and the student will be notified in writing. If the request is found not to be warranted, the student will be notified in writing of the reason for the decision and will be advised of the right to a hearing to challenge the content of the record.

Request for a Hearing: The request for a hearing must be made in writing to the Registrar's office and must be signed and dated by the student. The request must include sufficient information to identify the challenged record, and should, if possible, include copies of the request for amendment and Webb Institute's written decision. The hearing will be held within a reasonable time (normally within 30 days) after the request is received, and the student will be notified at least five days in advance of the date, time, and place of the hearing.

The Dean will designate a hearing officer who does not have direct interest in the outcome. The hearing officer will have the discretion to determine whether the hearing should be conducted in-person or by telephone. The student and representative from the Registrar's office will each have full and fair opportunity to present relevant evidence at the hearing. The student may, at the student's expense, be assisted or represented by one or more individuals, including an attorney.

The decision will be issued to the student in writing within a reasonable period of time after the hearing (normally within one week). If the hearing officer decides that the amendment is warranted, the Registrar's office will amend the record accordingly and notify the student in writing. If the hearing officer decides that the amendment is not warranted, the student will be notified in writing of the right to place a statement in the record commenting on the contested information.

If you have questions about FERPA, visit the Family Policy Compliance Office website:  
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>